

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

John Flynn as Trustee of the
STEINER INSURANCE TRUST II

CV 10-0109 (LAK)
ECF Case

Plaintiff,

v.

PRUCO LIFE INSURANCE COMPANY,
a subsidiary of THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA

Defendant.

**JOINT MOTION TO EXTEND THE DEADLINE FOR SUBMISSION OF THE
PRE-TRIAL ORDER, PROPOSED JURY INSTRUCTIONS AND VOIR DIRE
QUESTIONS**

Plaintiff John Flynn, as Trustee of the Steiner Insurance Trust (“Plaintiff”), and Defendant Pruco Life Insurance Company (“Defendant”), hereby jointly move the Court to extend the current February 1, 2011 deadline for the submission of the joint pre-trial order, proposed jury instructions, and voir dire questions until March 15, 2011. The parties are in settlement discussions and request this extension in order to allow the parties to devote their efforts to these discussions and/or to the scheduling and completion of a private mediation.

Plaintiff brought this action against Defendant in New York State Supreme Court, New York County, seeking to recover a life insurance death benefit allegedly owed under a life insurance policy which was issued by Defendant in 2007 and which Defendant rescinded in 2009 following a contestable review of the policy after the insured’s death.

Defendant removed this action to this Court on or about January 7, 2010. Pursuant to a stipulation dated March 3, 2010, counsel for Plaintiff agreed to amend his Complaint so as to substitute the plaintiff and defendant.¹ On or about April 1, 2010, the Plaintiff filed and served the operative Second Amended Complaint, naming the substituted parties. On or about April 15, 2010, Defendant filed and served its Answer and Counterclaim to the Second Amended Complaint.

The parties completed discovery on or around December 31, 2010 in accordance with the operative Scheduling Order, and are now in settlement discussions and exploring the possibility of a private mediation to resolve this matter. Therefore, in order to allow the parties to focus their efforts on settlement, the parties request that the upcoming February 1, 2011 deadline for the submission of the pre-trial filings be adjourned until March 15, 2011.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court set March 15, 2011 as the new deadline for the submission of the joint pre-trial order, proposed jury instructions, and voir dire questions.

¹ While the original complaint named Pruco Life Insurance Company of New Jersey as the defendant, counsel for Defendant represented to counsel for Plaintiff that the entity which issued the subject life insurance policy, and thus the correct plaintiff, was Pruco Life Insurance Company. In addition, the original complaint named the Steiner Insurance Trust II as plaintiff, and the parties also stipulated that the complaint would be amended to state John Flynn, as Trustee of the Steiner Insurance Trust II, as the proper plaintiff.

Dated: January 25, 2011

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